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17119 U.S.PTO

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032404

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

FIRST-NAMED INVENTOR OR
APPLICATION IDENTIFIER:

Wetzel *et al.*

ASSIGNEE:

CELL SIGNALING TECHNOLOGY, INC.

FOR:

ANTIBODIES SPECIFIC FOR THE BCR-ABL FUSION PROTEIN AND
USES THEREOF

March 24, 2004
Beverly, Massachusetts

Mail Stop Patent Application
Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR FILING A NEW NONPROVISIONAL APPLICATION UNDER 37 C.F.R. §1.53(b)

1. This is a request for filing a new nonprovisional application under 37 C.F.R. §1.53(b).

2. Priority to an earlier-filed application is claimed under:

35 U.S.C. §120

Prior application information:

Examiner:

35 U.S.C. §119(e)

Priority of U.S. provisional application Serial No. _____, filed on _____
is claimed under 35 U.S.C. §119(e).

APPLICATION ELEMENTS:

3. Specification and Drawings (Total pages: 34):

Specification (30 pages) including: Claims (3 pages); Abstract (1 page); and
Drawings: 4 sheets; FIGS. 1–4.

Formal

Informal (publication quality)

Application Cover Page (1 page)

4. Nucleotide and/or Amino Acid Sequence Submission:

Computer-readable Copy: The computer-readable copy of the Sequence Listing in the
instant application is to be identical to that filed in application U.S.S.N. ____/____,____,
filed [filing date]. In accordance with 37 C.F.R. § 1.821(e), please use the computer-
readable form filed in that application as the computer-readable form for the instant
application. It is understood that the Patent and Trademark Office will make the necessary
change in application number and filing date for the instant application.

Computer-readable copy: A computer-readable copy (1 disk) of the Sequence Listing is
submitted herewith. 37 C.F.R. §1.821(e).

**FIRST-NAMED INVENTOR OR
APPLICATION IDENTIFIER:** Wetzel *et al.* (Atty Docket No. CST-214)
Request for New Nonprovisional Application (37 C.F.R. §1.53(b))

- Paper Copy:* A paper copy of the Sequence Listing is included in the copy of the originally-filed specification of the instant application. (3 pages)
 - Statement:* The undersigned hereby states and verifies that the computer-readable form and the Sequence Listing submitted herewith is identical to the paper copy of the Sequence Listing filed herewith, and does not include new matter. 37 C.F.R. §1.821(f).
5. Microfiche Computer Program (*Appendix*)
6. Oath or Declaration (Total pages: 3):
(a) Newly executed (original)
(b) Copy from a prior application (37 C.F.R. §1.63(d))
7. Incorporation by Reference (*can use if Box 6(b) is checked*)
The entire Disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 6(b), is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

ASSERTION OF ENTITLEMENT TO SMALL ENTITY STATUS (37 C.F.R. §1.27(c)(1)):

8. The undersigned attorney hereby asserts that Applicants' assignee is small business concern and is therefore entitled to small entity status.

ACCOMPANYING APPLICATION PARTS:

9. English Translation Document (*if applicable*)
10. Information Disclosure Statement (IDS)
 Copy of IDS and PTO-1449 (in duplicate) (____ pages)
 Copies of references cited (____ references: ____ and ____)
 Copies of relevant co-pending applications (unless relied on for §120 effective priority)
(37 C.F.R. §1.98(d)(1))
11. Fee Calculation:
 A Preliminary Amendment is enclosed herewith. Please enter the claim amendments prior to calculating the filing fee.

NON-PUBLICATION REQUEST (37 C.F.R. §1.213):

12. Applicants hereby request that the application filed herewith not be published under 37 C.F.R. §122(b). The undersigned attorney hereby certifies that the invention disclosed in the present application has not been, and will not be, the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at 18 months after filing.

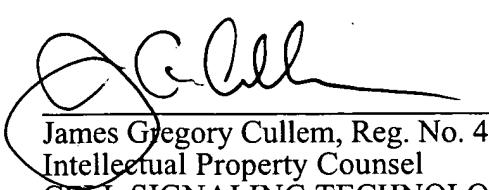
**FIRST-NAMED INVENTOR OR
APPLICATION IDENTIFIER:** Wetzel *et al.* (Atty Docket No. CST-214)
Request for New Nonprovisional Application (37 C.F.R. §1.53(b))

CLAIMS AS FILED					
Claims	Number Filed	Basic Fee Allowance	Number Extra	Rate	Basic Fee 37 C.F.R. 1.16(a) \$770.00
Total Claims (37 C.F.R. 1.16(c))	15	- 20 =	0	\$18.00	\$770.00
Independent Claims (37 C.F.R. 1.16(b))	1	- 3 =	0	\$86.00	\$0.00
Multiple Dependent Claim(s), if any (37 C.F.R. 1.16(d))	No	--	--	\$290.00	\$0.00
				SUBTOTAL:	\$770.00
				Reduction by 50% for filing by small entity:	- \$385.00
				TOTAL FEE:	\$385.00

13. A check #037604 in the amount of **\$385.00** is enclosed.
14. Deletion of Inventor(s)
This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. §1.53(d)(4).
 DELETE the following inventor(s) named in the prior non-provisional application:

 The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
15. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 50-1774, Ref. No. CST-214:
 Fees required under 37 C.F.R. §1.16;
 Fees required under 37 C.F.R. §1.17;
 Fees required under 37 C.F.R. §1.18.
16. Return Receipt Postcard Enclosed.
17. Other Documents Enclosed:
 Petition to Accept Color Drawings or Photographs (2 pages w/duplicate); w/required drawings (6 pages)
 Check No. 037603 in the amount of \$130.00 for the Petition fee.

Respectfully submitted,


Dated: 3/24/04
James Gregory Cullem, Reg. No. 43,569
Intellectual Property Counsel
CELL SIGNALING TECHNOLOGY, INC.
166B Cummings Center
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Tel: (978) 867-2311
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Express Mail Label No. EU169119339US
Date of Deposit: March 24, 2004

Attorney Docket No. CST-214
PAIR Customer No. 31012

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: *Wetzel et al.*

ASSIGNEE: Cell Signaling Technology, Inc.

SERIAL NUMBER: Not Yet Known **EXAMINER:** Not Yet Assigned

FOR: ANTIBODIES SPECIFIC FOR THE BCR-ABL FUSION PROTEIN
AND USES THEREOF

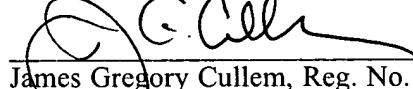
March 24, 2004
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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attached hereto for filing in the above-identified patent application are the following:

- Transmittal Letter (w/duplicate) (2 pages);
- Request for Filing a New Non-Provisional Application Under 37 C.F.R. §1.53(b) (3 pages);
- Application Cover Page (1 page);
- Specification (30 pages);
- Drawings (4 pages; Figs. 1- 4);
- Sequence Listing (paper copy - 3 pages);
- Computer-readable copy of the Sequence Listing (1 disk);
- Combined Declaration and Power of Attorney (3 pages);
- Petition to Accept Color Drawings (6 pages including duplicate of Petition);
- Checks No. 037603 in the amount of \$130.00 and 037604 in the amount of \$385.00;
- Return Postcard.

Respectfully submitted,


James Gregory Cullem, Reg. No. 43,569
Intellectual Property Counsel
CELL SIGNALING TECHNOLOGY, INC.
166B Cummings Center
Beverly, Massachusetts 01915
Tel: (978) 867-2311

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Wetzel *et al.*

ASSIGNEE: CELL SIGNALING TECHNOLOGY, INC.

SERIAL NUMBER: Not Yet Assigned

EXAMINER: Not Yet Assigned

FOR: ANTIBODIES SPECIFIC FOR BCR-ABL FUSIONS PROTEIN AND USES THEREOF

March 24, 2004
Beverly, Massachusetts

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Commissioner for Patents
P.O. Box 1450
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**PETITION TO ACCEPT COLOR DRAWINGS OR
PHOTOGRAPHS (37 C.F.R. 1.84 (a)(2) or (b)(2)).**

1. This petition is for the acceptance of color drawings (37 C.F.R. § 1.84(a)(2)). A color drawing of Figure 4 is necessary in this application because black and white drawings do not have the contrast necessary to show the results depicted in the color drawings.
2. Attached hereto are three (3) sets of color photographs of FIG. 4 (3 sheets) and 1 black and white copy of the same figure (1 sheet).
3. The petition fee required under 37 C.F.R. § 1.17(h) is paid as follows:
 Attached is a check for the sum of \$130.00.
 Please charge the petition fee of \$130.00 to Deposit Account No. 50-1774, Ref. No. CST-214.
 The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 50-1774, Ref. No. CST-214.
4. The specification contains the required statement pursuant to 37 C.F.R. §1.84(a)(2)(iv).

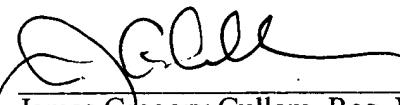
A duplicate of this petition is attached.

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Respectfully submitted,



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